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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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SUMMARY RECORD OF THE 12th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 8 May 1995, at 3 p.m.

Chairperson: Mr. ALSTON

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GE.95-16439 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS (agenda item 6) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Philippines (continued) (E/1986/3/Add.17; E/C.12/1994/WP.21)

1. At the invitation of the Chairperson, Ms. Bautista, Mrs. Palala, Ms. Mallare, Mr. Soliman, Mr. Balao, Ms. Lacanlalay and Mrs. Paulino (Philippines) resumed their places at the Committee table.

2. The CHAIRPERSON invited the delegation of the Philippines to continue its replies to the list of issues (E/C.12/1994/WP.21), relating to articles 10 to 12 of the Covenant.

3. Ms. BAUTISTA (Philippines), referring to article 10, said that there was a constitutional provision on the separation of the Church and State and another establishing the autonomous region of Mindanao. That region had specific laws on marriage, based on the Muslim Code of Personal Laws, but they still had to be coordinated with the national laws. The Muslim Code adopted in that region recognized divorce. With regard to the difference between legal separation and divorce, legal separation meant separation from bed and board, in other words, physical separation and separation from property, and legally separated persons were unable to remarry, whereas after divorce, remarriage was permitted. A couple whose marriage was annulled could remarry since annulment cut the matrimonial bond.

4. Responding to the question as to why the Church had intervened during the passage of the divorce law, she said that since most of the legislators were Catholic, there was a strong Catholic lobby, including in the constituencies, which had opposed that law.

5. Ms. LACANLALAY (Philippines) admitted that the number of labour inspectors was not sufficient to deal with all the child workers in the country. The Government had consequently started to cooperate with different organizations and an inter-agency committee had been formed between non-governmental organizations (NGOs), community organizations and various government agencies to try and solve the problems of child labour.

6. Mr. TEXIER said that neither the Philippine Government nor the delegation had provided specific statistics on child labour. The Committee wished to know what measures had been taken by the Government to prevent child labour and why the Government had not ratified the ILO Minimum Age Convention (No. 138), which was one of the most comprehensive instruments on child labour.

7. According to information received from several NGOs, the number of children involved in sexual exploitation and prostitution in 1986-1987 had been 20,000 and was now much higher, with figures varying from 40,000 to 60,000. The Committee wished to know what specific measures the Government had taken to combat child prostitution, particularly economic and educational

measures. Child prostitution was often a response to demand from foreign tourists and many countries in the region had tried to solve the problem by enacting national legislation to put an end to sex tourism. What means were being implemented by the Philippine Government to put an end to the practice in their country?

8. Mr. AHMED said that the Committee's attention had been drawn to the fact that delinquent minors in the Philippines were treated like adult criminals, as the Philippines had no juvenile courts or detention centres. Juveniles were therefore forced to languish in jail and detention centres with hardened adult criminals, with all the evils which that implied, and without any rehabilitation programmes to help them. Was that information correct or not?

9. Mr. GRISSA asked whether any studies were being carried out in the Philippines to determine the magnitude of the problem of street children, its growth, causes and possible remedies to deal with it.

10. Ms. BAUTISTA (Philippines) said that in the past, a psychologist and a psychiatrist had always been present in the juvenile courts when children were brought in, usually in the mornings, and social workers had been able to cooperate with NGOs, supported by the Government, in respect of accommodation, for example, when a suspended sentence was given. It was unfortunate that the system had now been changed and that the functions of the juvenile courts had been absorbed by the regional trial courts, even though the latter attempted to give the same time to juvenile cases as the juvenile courts had in the past. Legal separation and adoption cases were also now covered by the regional trial courts and municipal courts throughout the country.

11. Ms. MALLARE (Philippines) said the phenomenon of street children had partly come about because of broken homes and economic problems which had led families to move from rural to urban areas. Some 70 per cent of street children were said to have families, and 25 to 30 per cent were said to have some contact with their families, while only a few had no contact whatsoever. The 1990 Census on Population and Housing had put the numbers of street children country-wide at 222,417. However, it was known that some 3 per cent of the urban population in every major city was composed of street children. The population of street children in Metro Manila was said to number 107,000.

12. A joint project, supported by UNICEF, was being implemented by the NGOs and the Philippine Government, notably the Department of Social Welfare and the National Council for Social Development. Three main programmes were involved. First, there was the street-based programme, which employed street educators to get to know the children, develop relations with them and provide them with hot meals. Second, there was the central-based programme which provided temporary shelter and other services such as a form of home life, special schools and education, and medical, psychiatric and legal services as needed. Development training was also offered and an active programme was under way to assist families which were on the point of breaking up, either to effect a reconciliation or to help their children. Families were also provided with assistance by the Government to enable them to keep their children, and, through value reorientation, to learn what had contributed to the conflict between them.

13. Third, community-based day-care was also provided for street children, in the term of street schools, some of which were run by the NGOs. In addition, the Government had set up a rehabilitation centre providing temporary shelter in each of the 14 geographical regions of the country. That project also involved social legislation and networking, human resource development, legal protection, technical assistance and support, monitoring and evaluation. As part of technical support and assistance, people working with street children were given capability building to enable them to tackle the problems more effectively and to identify the environmental factors responsible for family breakup and for driving children on to the streets. Appropriate training for social workers, street educators, house parents and NGO workers was also provided as a matter of government policy.

14. Social workers also met regularly the government departments involved in children's affairs, namely, the prosecutors, law enforcement agents, and correctional and community courts. A manual on the handling of children with special needs had been developed and a special child and youth relationship unit had been set up to deal with such children, consisting of specially trained police who were assigned exclusively to dealing with children in conflict with the law. The Government was aware that the measures taken so far were insufficient, and consequently welcomed the assistance of the NGOs.

15. The Department of Social Welfare and Development had been pushing for the establishment of separate detention centres, as very few centres existed in which minors could be kept separate from adult criminals; there were now between three to five juvenile detention centres in major cities. The Child Welfare Code, which was part of Presidential Decree No. 603, provided that the local authorities should establish juvenile detention centres, and about 10 rehabilitation and treatment centres had been set up for juvenile offenders under the Department of Social Welfare and Development. The need for social workers to visit jails on a regular basis, and at least once every two weeks, to see whether minors were in adult jails and to discuss such problems with the adjudicator, was under discussion. In the meantime, the Department of Social Welfare and Development was working closely with the police to ensure that for minor offences children were not sent to detention centres and it had been agreed that the police would contact the Department whenever minors were brought before them. It had also been decided among judges that in the case of minor offences, juveniles should be released on their own recognizance or on probation. In the latter case the Department of Social Welfare and Development would be involved in their treatment and rehabilitation in the community, so that institutional care was avoided whenever possible. Children would only be sent to an institution for their own protection or to protect society. In addition, the Department was campaigning for foster homes and family group homes. Local authorities were becoming increasingly responsible for social services and the sharing of information, and cooperation between the various departments involved was becoming firmly established.

16. Mrs. PAULINO (Philippines) said that her Department was running projects aimed at documenting the phenomenon of child labour. One was the community action in child labour project, which was an inter-agency collaborative project into the problems of child labour being carried out since 1988 with the assistance of UNICEF. It catered for the needs of children in especially

difficult circumstances and was now operational in 29 provinces, with the capacity to cover at least 32 per cent, or 664,000 of all working children up to 17 years' of age.

17. The second project was the international programme on the elimination of child labour, an ILO assisted project which sought to protect, remove and rehabilitate children from dangerous occupations in employment.

18. Mr. GRISSA said that his question on prostitution amongst young people and the development of related diseases such as AIDS had not been addressed. In addition he wished to know how many children were affected by the measures taken to control street children. According to estimates provided to the Committee, there were 1.2 million street children in the Philippines: what proportion was being taken care of and how many were left to their own devices?

19. The CHAIRPERSON explained to the delegation that the Committee was in possession of what it considered to be reliable statistical and other information from various sources, and it was forced to depend on that information in the absence of any contrary detailed information from the Government. The very general statements made by the delegation did not address or refute the statistical or other information available from other sources, hence the burden of proof lay with the Government to be sufficiently specific if it wished to dispute any of the information which the Committee presented.

20. Mr. TEXIER said that his question on child prostitution had not been given a proper answer. The issue was a very serious one from the public health point of view as well as from the point of view of the children's own development. Was any specific action being taken for children involved in child prostitution, and why had the Government not ratified ILO Convention No. 138? Did it intend to do so?

21. Ms. BAUTISTA (Philippines) said that the Government's statistics on street children showed that they numbered 107,000 in Metro Manila and she consequently failed to understand where the figure of 1.2 million had come from: the delegation's figure of 1.2 million related to children under the age of 6 in the 18,000 day-care centres.

22. Compared with many other countries, her Government had a good record for ratifying ILO conventions, and it was probably only a matter of time before it ratified the ILO Minimum Age Convention (No. 138). However, before that happened, the relevant recommendation would have to be submitted to the Senate and to win a two thirds majority.

23. With regard to child prostitution measures, an immigration bureau had been opened to report tourists engaged in child prostitution and the police in various cities attempted to close down such establishments. They had risen as a function of poverty, and as standards of living increased, the number of child prostitutes decreased. Efforts were made to ensure that children received a proper education and that families were given a livelihood to prevent them from encouraging their children to go into prostitution. In the major cities and tourist areas in particular, assistance was given to provide

training for such children and to ensure that they attended school, as required by the law. NGOs were also given help and encouragement to work with such children, many of whom were regularly picked up by police patrols.

24. Ms. MALLARE (Philippines) added that many children rejected the training offered because they were unable to earn as much after training as they did from prostitution. To prevent parents themselves from sending young children to work as prostitutes, help was given in the home. A Council for the Protection of Children had been formed in some provinces in conjunction with NGOs.

25. The information available on sexually abused and sexually exploited children by region put their number at 1,586, the highest numbers being in Metro Manila, and in the 13 to 18 age band. On the basis of their family profiles, the authorities knew that those children came from poor families which had between four and eight children, and that they were usually children with low educational attainment.

26. The Special Protection of Children against Child Abuse, Exploitation and Discrimination Act (Republic Act No. 7610) provided for strong deterrents against child abuse and exploitation, including punishment and sanctions for people who perpetrated such treatment. In addition, efforts were made to expedite the processing of court cases and to give preferential attention to cases involving children, in view of the very heavy workload in the regional trial courts.

27. The CHAIRPERSON said that he would like to know the number of persons who had been prosecuted for sex crimes against children and whether the delegation could confirm that there had been 1,586 cases of sexual abuse throughout the country.

28. Ms. MALLARE (Philippines) said the figure was only an estimate because her Government's ability to monitor the situation was very limited. She would try to provide further statistics the following day. She recognized that a number of paedophiles had escaped justice.

29. The CHAIRPERSON asked about the extent of known sexual abusers and the number of prosecutions that had been made.

30. Mr. RATTRAY inquired how far the Government's projects were oriented towards improving the conditions of children who were on the street rather than towards removing them from the streets.

31. Mr. TEXIER noted that the Philippine Government and the Governments of the countries from which offending tourists originated had concentrated primarily on the punitive aspect of the problem of sexual offences against children. He believed that it was even more important to strive for the prevention of that type of behaviour. Preventive action should focus on the fight against poverty and family education. Under article 10 of the Covenant, Governments, were obliged to protect children and that obligation was more important than the punishment of offenders.

32. Mr. ADEKUOYE referred to paragraph 202 of the initial report (E/1986/3/Add.17) and asked the delegation to elaborate on the rights of illegitimate children to inherit property before the Family Code was enacted. He asked what provisions were made in the Family Code regarding such inheritance.

33. Ms. BAUTISTA (Philippines) said that the Family Code made no distinction between the share of property legitimate and illegitimate children were entitled to inherit. Illegitimate children had the same rights as legitimate children to receive support.

34. Mr. GRISSA asked how illegitimate children could prove the identity of their parents.

35. Ms. BAUTISTA (Philippines) said that a legitimate child was one born within a marriage and an illegitimate child was one born out of wedlock. In most cases of requests for child support, parents recognized their children. Occasionally, however, paternity or maternity had to be established in a court of law.

36. Mr. GRISSA asked how the rights of illegitimate children could be protected because it was sometimes in the interest of legitimate children to deny the status of illegitimate children.

37. Mrs. JIMENEZ BUTRAGUEÑO said she thought that the term "illegitimate" was inappropriate for describing a child. In her view, that term was incompatible with the Catholic ideal and the role of women. She had the impression, from her reading of the Report, that women played a secondary role in the Philippines. She was particularly concerned about the status of women who appeared to bear a tremendous burden. She inquired whether husbands were taken to court for child support and the non-performance of their obligations.

38. Mr. SIMMA said it appeared that street children were removed from the streets before State visits or other events having a high international profile. He wondered what happened to those children after they were removed from the streets and whether they were released to roam the streets after the events had taken place. He referred to a newspaper article describing projects to remove homeless children from the streets of Manila and said there had been complaints about the ineffectiveness of those operations because there were no facilities or resources to provide long-term solutions.

39. Ms. BAUTISTA (Philippines) agreed that children should not have to live with the stigma of "illegitimacy". The status of legitimacy or illegitimacy of children had to be stated when children applied for passports in order for the authorities to determine their nationality. She agreed that such a requirement should be abandoned and that there was a need to amend the nationality law accordingly. In response to Mrs. Jimenez Butragueño's question on child support, she said the juvenile court had jurisdiction over such matters and made the necessary arrangements for any payments that were due. With reference to Mr. Simma's question, she said the police were supposed to deliver the children who had been removed from the streets to the rehabilitation centres run by the Department of Social Welfare and Development

but had not been consistent in doing so. Some of the children ran away from the centres repeatedly because they preferred working on the streets.

40. Mr. GRISSA asked whether the children ran away from the rehabilitation centres because they loved their freedom or was it because the treatment in the centres was worse than life on the streets?

41. Ms. MALLARE (Philippines) said that the ultimate objective was to train and rehabilitate the children in order to return them to their families. If their families could be located, the authorities tried to arrange for guardianship of the children. She explained that children living on the streets led unstructured lives whereas in the centres, rules, schedules and regulations were enforced. She said only a small minority attempted to run away from institutions and their motive was to escape the discipline of the centres.

42. Mrs. JIMENEZ BUTRAGUEÑO wanted to know more about discrimination against women. Did women have the same parental authority as the men, did they have the same authority in the administration of property? Did women need the permission of their husbands to exercise a profession or did they have the authority to grant permission for their children to travel? She further inquired about the distinctions the law made between men and women.

43. Ms. BAUTISTA (Philippines) said recent legislation had obviated the necessity for a woman to obtain her husband's permission in respect of a number of activities. Nevertheless, banks sometimes preferred to have the signature of the husband.

44. There were several discriminatory provisions in Philippine legislation and cited some of those clauses. She acknowledged that there was a need for further amendment of the laws.

45. The CHAIRPERSON invited the delegation to respond to the issues relating to article 11 of the Covenant.

46. Mr. SIMMA asked whether issues Nos. 20 and 21 relating to overseas contract workers had been addressed.

47. The CHAIRPERSON said that, as far as he was aware, neither of the issues had been addressed.

48. Ms. BAUTISTA (Philippines) said she had referred to the status of overseas workers in her opening statement. There had been a reduction of 50 per cent in the number of domestic workers going to "high-risk" countries, but the number of workers in friendlier countries had increased. Her Government had embarked on a policy of "selective deployment" rather than the export of labour.

49. Mr. SIMMA said that he wished to know the definition of a "high-risk country" and whether that term was the official language used with regard to women. Was the risk sexual or moral?

50. Ms. BAUTISTA (Philippines) said women were rather vulnerable to abuse and her Government had identified certain countries in which the reported incidence of sexual and physical abuse of domestic workers was higher than in others. Her Government, therefore, tried to discourage persons from travelling to those countries in search of work. There were 4.2 million migrant workers, including 1.8 million undocumented workers, and it was the second group which was at greater risk.

51. She stressed that her Government believed the country should be able to provide enough jobs for its workers, but it did not have the level of development to do so. The Department of Labour and Employment had established a number of programmes to train women so that they could find jobs in the Philippines. Assistance to contract workers took the form of information on the rules, customs and procedures for employment in foreign countries. Efforts had been made to reduce the number of domestic workers going abroad both because of the risks to which they were exposed and the effect their absence had on their families. In 1994, a total of 556,000 persons sought employment abroad through the official channels established by the Government. A number of others had entered foreign countries as tourists and had stayed on in those countries.

52. Mr. GRISSA noted that there was one doctor and one nurse per 20,000 of the population. That was a very low figure, yet the Government encouraged the emigration of doctors and nurses. He wondered how such encouragement could be justified.

53. Ms. BAUTISTA (Philippines) said that, on the contrary, doctors and nurses were urged to serve in the countryside, where the need was greatest, but it was their choice to emigrate, in search of better pay and conditions. The Government operated an incentive scheme to encourage them to return, but the incentives were not attractive enough.

54. The CHAIRPERSON invited the Committee to raise questions relating to article 11.

55. Ms. TAYA said that following the Second World War the Philippines had suffered from fewer social problems than her own country. Japan, however, had enacted a comprehensive agrarian reform programme, which had led to fair income distribution and the creation of an internal market. In the Philippines poverty drove landless peasants and agrarian workers to Manila, where they lived wretchedly as squatters, exacerbating existing problems, particularly with regard to housing. Land reform was imperative if a solution was to be found to such problems. She therefore posed the following questions:

1. What were the arguments to prove whether the Government deployed a maximum of available resources to agrarian reform and gave utmost priority to its implementation?

2. Which were the measures planned (with time benchmarks) to speed up the agrarian reform process?

3. Which were the main loopholes for landlords and corporations to evade redistribution of land?

4. Which measures had been/would be taken to close these loopholes and when?

5. Was there a mechanism for the speedy handling of grievances concerning gross irregularities in the implementation of the Comprehensive Agrarian Reform Programme and related violations of the right to food?

6. If there was no such mechanism, when would it be introduced?

7. Could details be given about the main shortcomings of the peasant tenancy laws and the measures taken to overcome these shortcomings?

56. Mr. SIMMA said that the questions put by Ms. Taya reflected the frustration felt by the Committee; it had submitted a list of issues to the Government, which the representative of the Philippines said had been received by 20 government departments, yet to date no information had been received. Before moving on to article 11, he would have preferred detailed answers to the Committee's earlier questions.

57. Ms. BAUTISTA (Philippines) apologized. Some information had arrived only that morning and would be made available in writing the following day. Replies to Ms. Taya's questions, however, were to hand.

58. Mr. SOLIMAN (Philippines) said that under the current budget for the fiscal year 1995 the Department of Agrarian Reform had an allocation of 861 million pesos from the General Appropriations Act. In addition, P 6.40 billion was allotted from the Agrarian Reform Fund, making the total budget for the Comprehensive Agrarian Reform Programme (CARP) some P 7.261 billion. That level of funding made the Programme the seventh in order of priority, following education, public works and highways, national defence, interior and local government, agriculture and health. With regard to the second question, the Department of Agrarian Reform had prepared a schedule for the implementation of the land distribution aspect of the Programme. Its targets for land acquisition and distribution were 540,000 hectares in 1995, 764,000 in 1996, 764,000 in 1997 and 384,000 in 1998. The Department was, however, concerned only with private land; public lands were the responsibility of the Department of Environment and Natural Resources, which had set the following targets for land acquisition and distribution: 1,121,000 hectares in 1995, 1,205,000 in 1996, 1,148,000 in 1997 and 610,000 in 1998.

59. With regard to questions 3 and 4, he took the term "loophole" to mean any legal scheme that decreased the amount of agricultural lands affected by the Programme. Such loopholes were the stock distribution option; commercial farms deferment; exemptions and exclusions; retention areas; and conversion of agricultural lands to non-agricultural uses. Under the stock distribution option the landowner could transfer to farmers a proportion of the capital stock of the corporation, in the form of agricultural land actually devoted to agricultural activities, as a proportion of the capital assets of the

corporation. That option had, however, been terminated by law. The deadline for implementation had been 31 January 1990, by which time some 8,388 hectares had been transferred. Commercial farms deferment was a scheme - also terminated, as of 30 June 1989 - whereby owners of commercial farms (orchards, fruit farms, cacao, coffee and rubber plantations, vegetable and cut-flower farms) could apply for deferment of their lands from coverage under the Programme for a period of 10 years in order to allow them to recoup their investments. Under the scheme some 54,837 hectares had been given a certificate of deferment. Thirdly, certain types of properties were exempt from the Programme, including parks, wildlife and forest reserves, reforestation areas, fish sanctuaries and breeding grounds, watersheds, mangrove growing areas, experimental farm stations, seedling research stations, school sites and campuses, penal colonies and penal farms worked by inmates, and lands with an 18° slope or over, as well as sites required for national defence. The total area covered by such properties was estimated to be some 4,000 hectares. Another 29,100 hectares were exempt from the Programme because they had been reclassified before the passage of the Comprehensive Agrarian Reform Law as being for residential, commercial or industrial use. Retention areas were the protection enjoyed by small landowners, to the extent of 5 hectares per family. Enshrined in the Constitution, they were a recognition of the rights of small landowners. Lastly, with regard to the conversion of agricultural lands, he said that while some agricultural areas were slowly being converted to non-agricultural uses, others - such as irrigated areas and lands due for irrigation projects - could not be the object of conversion. While some conversion was deemed essential for modernization, the Government intended to regulate such conversion by insisting on certain safeguards: local government land-use plans would have to be used as a basis for conversion; application procedures should be lodged with the Department of Agrarian Reform; and task forces against illegal conversion would be formed in coordination with the Department of Justice. As of December 1994 the Department of Agrarian Reform had approved the conversion of 11,697 hectares for various non-agricultural uses.

60. Turning to Ms. Taya's fifth question, he said that the Comprehensive Agrarian Reform Law granted some quasi-judicial powers to the Department of Agrarian Reform. Executive Order No. 129-A provided for the creation of an Adjudication Board (DARAB), the quasi-judicial arm of the department, which had offices in each province of the country. The DARAB was not bound by the technical rules of evidence and procedure and did not require the appearance of lawyers. Indeed, the appearance of farmers' leaders on behalf of their constituents was expressly allowed. Lastly, with regard to the main shortcomings of the peasant tenancy laws, he said that one such was the fixing of leasehold rentals. A maximum of 25 per cent of production was fixed as land rent, but landowners and tenants were generally unable to agree on what that figure should be and disagreements tended to drag on. In response the Department had authorized the Provincial Agrarian Reform Officer to fix the lease rental provisionally so that there was at least a base price; the final arbiter was the DARAB. Another problem was security of tenure. Many tenants stood to be evicted by unscrupulous landowners. The Department had provided farmers with adequate quasi-judicial remedies such as injunctions, restraining orders and contempt orders. Recently it had signed a memorandum of agreement with the police on the enforcement of such orders. He was the first to admit

that the Department's accomplishments had been modest. There had been much resistance to the Programme; the landed classes had made every effort to avoid coming under its provisions.

61. Mr. TEXIER raised the question of compulsory evictions. According to non-governmental organizations - notably Habitat and Oviambo Associates - two pieces of legislation were contradictory with each other and contrary to the Covenant. Decree No. 772, which had been issued by President Marcos, at a time of martial law, was aimed at squatters; indeed it seemed to criminalize squatting. The Urban Development and Housing Act of 1992, on the other hand, provided for rehousing the homeless. He granted that the legislation of many countries held a contradiction between the right to property and the right to housing, but he queried whether it was impossible for the Government to repeal the Decree, which effectively penalized poverty. There was a particular urgency to the matter because of the large number of squatters involved. According to his information, demolitions and expulsions had taken place in 80 different places between July 1992 and April 1994, affecting some 84,000 people. He urged that the Decree be repealed or if that was impossible that the Urban Development and Housing Act should be amended: currently it provided for rehousing only for those who had been squatters before 28 March 1992. That deadline should be removed. In any case, the Committee should recommend that no expulsions should take place unless an alternative solution to the problem of the homeless was proposed.

62. Mr. SIMMA seconded Mr. Texier's remarks. He found it hard to believe that a decree issued by President Marcos could survive later legislation or that time-limits could be imposed, affecting some people and not others. Turning to the issue of land reform, he applauded the reply given by the representative of the Philippines, with its impressive lists of land to be redistributed. He asked, however, whether figures were available for the targets achieved since the passage of the Comprehensive Agrarian Reform Law in 1987, which had provided for the distribution of 3.8 million hectares. He wondered whether the earlier targets had been achieved and, if not, what percentage had been achieved. Such information would give the Committee a clearer idea of future prospects.

63. Mr. GRISSA also welcomed the figures that had been given, although he would have preferred to see them in writing before the meeting. He asked, however, what had happened with land that had been distributed to peasants. He wondered to what extent they had then farmed the land or whether they had sold it. Did they, moreover, have access to credit? If not, they would be unable to work the land. The Committee knew of cases where peasants had sold their land and had moved to the towns, adding to the housing problem. He added that he, too, was worried by the notion that squatting was criminal.

64. Mr. ALVAREZ VITA echoed that concern. Judging by documents prepared by non-governmental organizations in the Philippines, many people had had to leave the country as a result of agricultural reform, expulsions and other difficulties. He wished to know whether the Government had taken steps to find out how many people were involved. It was common knowledge that Filipinos were working in Singapore, Kuwait and many other countries; but it was important to know exactly how many.

65. Mr. SOLIMAN (Philippines) said that he would give the Committee a brief overview of a written report available on the subject of land redistribution in past years. The Department of Agrarian Reform, in the seven years during which it had conducted its land distribution programme, had met only about one half of its total target of 3.8 million hectares; in the past three years, however, from 1992 to 1994, the record had been much better, with land distribution rising from about 270,000 hectares to about 430,000 hectares annually. One of the reasons for the slow implementation of the programme was the resistance of landowners. Under the Comprehensive Agrarian Reform Programme, the landowner was to be paid in 10 years, but the beneficiary was to amortize over 30 years - a formula which pegged property values at 30 per cent below the market value. The Government believed that the devaluation met the criteria of just compensation, but it was unacceptable to landowners, who had a penchant for filing suits in defence of their property rights. Another factor was the financing of the Comprehensive Agrarian Reform Programme. Both land distribution and support services like credit, irrigation and the other ingredients of successful land reform were financed from the Comprehensive Agrarian Reform Fund, made up of privatized government assets and recovered ill-gotten Marcos wealth, turned into cash. Out of the initial capitalization of 50 billion pesos, there had been 46 billion pesos in 1995 draw-downs from the Fund. Once the Fund was capitalized fully at 50 per cent, the new law required that only 60 per cent should go to the Programme, with 40 per cent returning to general appropriations. Consequently, the Comprehensive Agrarian Reform Programme would have financial difficulties in years to come.

66. Regarding the second-generation problems involved in the disposition of the land, the Government was the first to admit that there were instances in which awarded land had been sold, mortgaged or transferred to others, largely because of its high real-estate value, especially in rapidly urbanizing areas. However, studies by the Department of Agrarian Reform showed that only about 10 to 15 per cent of the land had been thus diverted.

67. Access to credit and the ability to compete in the open market, which was affected by the farmers' level of organization, were of course basic issues. The Government provided support services to farmers' organizations, including access to credit. The entire package of support services in the 1995 budget amounted to 691 million pesos. In addition, of course, a large proportion of the Fund - 4 billion pesos - had been earmarked for land acquisition and distribution.

68. The CHAIRPERSON suggested that the entire written report should be circulated immediately to members of the Committee.

69. Ms. BAUTISTA (Philippines), recalling that in the Marcos years the President had held both legislative and executive power, pointed out that Presidential Decree No. 772 thus had the force of law; and that laws must be honoured even when Governments changed unless they were inconsistent with previous law, which the Decree was not.

70. Mr. BALAO (Philippines) confirmed that Presidential Decree No. 772 still applied to housing, as did cases resolved under the Decree as well as the revised Penal Code and the Urban Development and Housing Act of 1992, all of which penalized squatting as a criminal offence.

71. Presidential Decree No. 772 did not necessarily contradict the Urban Development and Housing Act. It was true that it allowed exceptions to the moratorium on eviction and demolition: in cases where court orders had been given for demolition and eviction; and in areas needed for important government infrastructural projects or areas considered danger zones. In all such instances, however, prior consultation was mandated so as to give those to be relocated time to prepare for the move. The Act thus gave protection to beneficiaries in place on or before its entry into force, enabling them to look for other alternatives and imposing certain conditions on the Government before they could be transferred.

72. As to plans to repeal Presidential Decree No. 772, the Government favoured its retention, although some in the Government disagreed with the official policy. In view of legislative proposals for repeal, it would probably review the matter. A strong argument for retention was the fact that many groups had taken advantage of the passage of the Urban Development and Housing Act to occupy resettlement sites surreptitiously; and it was feared that repeal of the Decree might send the wrong signals. It was not uncommon, for instance, to have urban poor beneficiaries who had gone through the proper process of applying for a piece of land to be deprived of that land by another group of urban poor. The Government saw Presidential Decree No. 772 as a last recourse in avoiding anarchy.

73. The Government's shelter sector had endorsed the extension of the moratorium under the Urban Development and Housing Act, since most conditions for its lifting had not been met, especially the registration of all eligible beneficiaries by local authorities and the identification and inventory of government or private land suitable to accommodate them.

74. He knew of no study of Filipinos who had emigrated because of poverty. It must be said, however, that overseas employment did have positive results: returning Filipinos had been able to afford better housing, send their children to better schools and generally improve their quality of life.

75. Mr. AHMED said that he was saddened by the trends in Philippine society acknowledged in paragraph 128 of the report (especially subparas. (e)-(j)). Changing moral values, surprising in a Catholic country, were leading to family disintegration. Women, the linchpin of the family, were hardest hit by economic and societal difficulties, and more than half a million of them had emigrated, some of them earning their living in ways that gave the Philippines a bad name. He appealed to the Government, which after all controlled the issuance of passports and visas and consequently had some say in the duration of stays abroad, to do something about exporting women for humiliation abroad for financial reasons.

76. Mr. TEXIER said that the delegation's answer regarding evictions did not satisfy him. Presidential Decree No. 772 had been presented as immutable, whereas Parliament could at any time decide to repeal it. In a democracy, any

law could be amended or repealed. The Committee would decide whether it considered the Decree incompatible with the Covenant, and he himself was inclined to think that it was incompatible. The Decree had been defended as a shield in the struggle between poor groups and even poorer groups. The Government must try to find solutions other than repression, namely, consultation and dialogue. All the population groups involved were backed by some segment of civil society such as non-governmental organizations, and it was in their interest to hold talks with the national or local authorities in order to avoid a situation in which government programmes were vitiated by land speculation. Obviously "professional" squatters did need to be controlled, but not by repressive legislation.

77. Mr. ADEKUOYE observed that the problem of evictions would become more acute owing to the very high birth rate combined with the circumstances enumerated in paragraph 128 of the report and especially in conjunction with a rural migration to urban areas triggered by low agricultural productivity. There would be more and more homeless on the streets, and the country would not be able to cope with the situation. The report indicated (para. 360 (1)) that the Government was planning to promote a more balanced population distribution to ease pressures on existing physical resources and basic services, particularly housing in the urban areas, and it would be interesting to know what had been done thus far, what the results had been, and whether the strategy had a chance of success.

The meeting rose at 6 p.m.